

18th June, 1829.—BLAND, Chancellor.—The petition of *Charles Morgan*, together with the opinions in writing of sundry persons, as to his capacity to manage his own affairs, having been submitted, were read and considered.

*Charles Morgan* himself did not appear, as would seem to have been his intention from what is said in one of the letters filed. But if he had, it is most likely I should not have been better enabled to have ascertained the regularity and strength of his mental faculties by a short personal interview, than from the various opinions which have been thus given to me of him. It is not easy to make up a correct judgment on such a matter. (a) In cases of lunacy a generous equity is to be administered with a parental hand; and yet, the means of meting out common justice is not always within the power of the court for want of correct information as to facts and circumstances. It does not appear, that the court has ever before been informed, that *Thomas M. Cooper* was a resident of the state of Delaware at the time he was appointed trustee. It is clear, that no one should be appointed or continued as the trustee of a lunatic who resides beyond the jurisdiction of the court, and cannot promptly be made amenable to its authority. (b) I have therefore no hesitation in displacing *Cooper*. And I now only deem it necessary to appoint another trustee until the intellectual condition of *Charles Morgan* can be more satisfactorily ascertained. (c)

Whereupon it is Ordered, that *Richard Dardin*, of Talbot county, be and he is hereby appointed trustee in the place of the said *Thomas M. Cooper*, to take charge of and have the care, custody, and management of the person and estate of the said *Charles Morgan*, a lunatic. And that the said trustee *Dardin*, apply the interests, rents, issues, and profits, of the said lunatic's estate to his support and maintenance, and render an account thereof accordingly. But before the said *Dardin* acts as trustee, he shall give bond to the state of Maryland, with surety to be approved by the Chancellor, in the penalty of \$3,000, well and truly to discharge his duty as trustee, and to render an account, on oath, of all the property of the said lunatic, with the interest, rents, issues, and profits thereof, once in each year; and as much oftener as may be required; and to deliver the same up, when called upon to do so.

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(a) Colegate D. Owings' case, 1 Bland, 370.—(b) *Ex parte* Ord. 4 Cond. Chan. Rep. 44; *Logan v. Fairlee*, 4 Cond. Chan. Rep. 90.—(c) *Ex parte* Thomas Drayton, 1 Desau. 144.